

FEDERAL COMMUNICATIONS COMMISSION
445 12th STREET S.W.
WASHINGTON DC 20554

MEDIA BUREAU
AUDIO DIVISION

APPLICATION STATUS: (202) 418-2730

HOME PAGE: www.fcc.gov/media/radio/audio-division

FEB 28 2018

PROCESSING ENGINEER: Robert Gates

TELEPHONE: (202) 418-0986

FACSIMILE: (202) 418-1410

INTERNET ADDRESS: Robert.Gates@fcc.gov

West Virginia Radio Corporation of Charleston
1251 Earl L. Core Road
Morgantown, WV 26505

In Re: NEW(FM), Charleston, WV
Facility ID # 201510
BNPFT-20171201ADL

Petition to Deny

Dear Applicant:

The staff has under consideration: (1) the above-captioned application for a NEW FM translator in Charleston, West Virginia; (2) the Petition to Deny filed by Jennifer Karr on December 20, 2017; (3) all related pleadings. For the reasons set forth herein, we dismiss the Informal Objection.

Jennifer Karr purports that the proposed NEW FM translator will cause interference to the listeners of WAXE-LP, St. Albans, West Virginia and will violate Section 74.1204(f) of the rules. In order to provide convincing evidence under Section 74.1204(f) that grant of the translator construction permit “will result in interference to the reception” of an existing full-service station, an opponent must provide, at a minimum: (1) the name and specific address of each listener for which it claims credit; (2) some demonstration that the address of each purported listener falls within the 60 dB μ contour of the proposed translator station;¹ (3) some evidence, such as a declaration from each of the claimed listeners, that the person listens to the full-service station at the specified location; and (4) evidence that grant of the authorization will result in interference to the reception of the “desired” station at that location. The “undesired-to-desired” (“U/D”) signal strength ratio methodology may be used to demonstrate the potential for interference under Section 74.1204(f).² Section 74.1204(f) requires the objector to show that a specific U/D signal strength ratio is exceeded at the location of a *bona fide* listener of the desired station to establish that interference will result. The petitioner did not include any listener complaints to comply with the requirements of Section 74.1204(f).

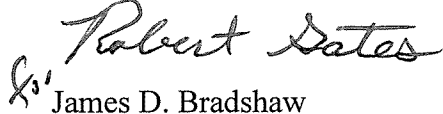
Please note, Section 74.1203(a) states that should the translator commence operation and cause interference to WAXE-LP, the translator will be required to eliminate the interference or cease operation.

¹ The best method is to plot the specific addresses on a map depicting the translator station’s 60 dB μ contour.

² See *The Association for Community Education, Inc.*, FCC 04-155, Para. 13, (rel. July 8, 2004).

Accordingly, the Petition to Deny filed on December 20, 2017 by Jennifer Karr IS HEREBY DISMISSED and the application GRANTED. This action is taken pursuant to 47 C.F.R. § 0.283.

Sincerely,

The image shows a handwritten signature in cursive script that reads "James D. Bradshaw". The signature is written in dark ink and is positioned above the printed name.

James D. Bradshaw
Deputy Chief
Audio Division
Media Bureau

Cc: Jennifer Karr, Esq.
Coal Mountain Broadcasting, Inc.
4810 Brown Creek Road
Saint Albans, WV 25177